

UTAH AIR QUALITY BOARD MEETING
April 6, 2006

FINAL MINUTES

I. Call to Order

John Veranth called the meeting to order at 1:37 p.m.

Board members present:

Ernest Wessman	Dianne Nielson	Don Sorensen	Jerry Grover
Jim Horrocks	John Veranth	Nan Bunker	

Executive Secretary: Richard W. Sprott

II. Date of the Next Air Quality Board Meetings

The May Board meeting was cancelled. June 14, 2006 and July 12, 2006 were set as tentative dates for the next Board meetings.

III. Approval of the Minutes for March 8, 2006 Board Meeting

One minor correction needed to be made in the minutes.

- Mr. Horrocks made the motion to approve March's minutes. Mr. Sorensen seconded and the Board approved unanimously.

IV. Propose for Public Comment: Amend R307-210-1. Standards of Performance for New Stationary Sources (NSPS). Presented By Rusty Ruby.

Mr. Ruby stated that the Division of Air Quality has previously incorporated NSPS standards by reference into the Utah Administrative Code. As these standards are modified and promulgated by EPA, the Division updates the incorporation of these standards into the Utah Administrative Code. Although there were three modifications to the standards since July 8, 2004, the following is the only modification that would impact sources in Utah.

On February 22, 2005 (70 FR 8523), promulgated amendments to the NSPS for subpart AA regarding performance for steel plants with electric arc furnaces. This amendment allows plants to use a bag leak detection system on all single stack fabric filters as an alternative monitoring option to a continuous opacity monitoring system.

In addition to incorporating modified NSPS standards, we have excluded specific subparts of Part 60 that are incorporated in other rules.

Mr. Ruby then stated that the staff recommends that R307-210-1 be proposed for public comment.

Mr. Horrocks made a motion that R307-210-1 be proposed for public comment. Ms. Bunker seconded and the Board approved unanimously.

V. Final Adoption: Amend R307-204, Emission Standards: Smoke Management. Presented by David E.B. Strohm II.

Mr. Strohm stated that on February 1, 2006, the Air Quality Board proposed for comment amendments to R307-204, Emission Standards: Smoke Management. Changes in R307-204 were proposed for comment to provide land managers more flexibility when igniting “small prescribed fires” and “small prescribed pile fires (de minimis)” with minimal risk. In addition, other changes were made to the rule to ensure consistency between the Smoke Management Plan and the rule.

A public hearing was held on March 16, 2006. No oral or written comments were received about this proposal.

Mr. Strohm stated that the staff recommends that the Board adopt R307-204 as proposed at the February Board meeting.

Mr. Wessman made a motion to adopt R307-204, Emission Standards: Smoke Management. Mr. Sorensen seconded. The Board approved unanimously.

VI. Five-Year Review: R307-204, Emission Standards: Emission Standards: Smoke Management: Presented by Jan Miller.

Ms. Miller stated all state agencies are required by the Utah Administrative Rulemaking Act to review each of their rules at least every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

Ms. Miller stated that at the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3) (a); listed on the attached form. If the agency does not file the form on time, the rule automatically expires. Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures.

Ms. Miller then stated that in an earlier item in the packet the Board is asked to adopt changes to R307-204. The Staff has reviewed R307-204 and determined that it meets the requirements.

Ms. Miller stated that the five year review is due on July 4, 2006, but approval is needed to continue with the rule that was just adopted. Mr. Wessman asked if there were any issues present. Ms. Miller stated there were not. Mr. Veranth asked if this applies to written

comments. Ms. Miller stated that it could include written comments thru the stakeholder process.

Ms. Miller stated that the staff recommends that the Board continue R307-204 by approving the attached form to be filed with the Division of Administrative Rules.

Mr. Wessman made a motion to continue with R307-204. Ms. Bunker seconded. The Board approved unanimously.

VII. In the Matter of Sevier Power Company Power Plant, DAQE-AN2529001-04: Presented by Fred Nelson.

- A. Sierra Club's renewed request to stay proceedings.**
- B. Executive Secretary's Motion for Judgment on the Pleadings. Sevier Citizens raised 14 issues in its Request for Agency Action dated March 16, 2005 (see Attachment E). The Executive Secretary has moved for Judgment on the Pleadings on issues 1-3, 6-7, and 10-13, which if granted, would leave issues 4-5, 8-9, and 14 for the Richfield hearing on May 10, 2006.**
- C. Executive Secretary's Motion to Dismiss the Sevier Citizens initial Request for Agency Action, dated November 1, 2004 (see Attachment D).**
- D. Pre-hearing conference.**

See attached transcript.

VIII. Informational Items

- A. Update on EPA Coarse PM Rules.**
- B. Compliance. Presented by Jeff Dean.**
- C. HAPS. Presented by Robert Ford.**
- D. Monitoring. Presented by Bob Dalley.**
- E. Choose Clean Air 5K Walk**

Due to the length of the Board meeting no informational items were presented.

Meeting was adjourned at 6:20 p.m.